

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

MATTHEW FOSTER,

Defendant.

4:21CR3095

ORDER

Defendant has moved to continue the trial date, (Filing No. 36), because Defendant needs to consider and decide whether to enter a guilty plea. The motion to continue is unopposed. Based on the showing set forth in the motion, the court finds the motion should be granted. Accordingly,

IT IS ORDERED:

- 1) Defendant's motion to continue, (Filing No. 36), is granted.
- 2) The trial of this case is continued pending further order of the court.
- 3) A hearing is set to commence before the undersigned magistrate judge in Courtroom 2, United States Courthouse, Lincoln, Nebraska, at 11:30 a.m. on January 4, 2023. Thirty minutes have been set aside for the hearing. Defendant, defense counsel, and counsel for the government shall attend the hearing.

Defendant may choose to enter a plea of guilty before the undersigned magistrate judge at this hearing. In the alternative, the court will set the date of the jury trial along with the deadlines for disclosing experts as required under Rule 16.

If Defendant chooses to enter a plea of guilty on January 4, 2023, the Petition to Enter a Plea of Guilty and any Plea Agreement must be forwarded to zwart@ned.uscourts.gov on or before January 3, 2023.

- 4) The ends of justice served by granting the motion to continue outweigh the interests of the public and the defendant in a speedy trial, and the additional time arising as a result of the granting of the motion, the time between today's date and January 4, 2023 shall be deemed excludable time in any computation of time under the requirements of the Speedy Trial Act, because although counsel have been duly diligent, additional time is needed to adequately prepare this case for trial and failing to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(1) & (h)(7). Failing to timely object to this order as provided under this court's local rules will be deemed a waiver of any right to later claim the time should not have been excluded under the Speedy Trial Act.

November 2, 2022.

BY THE COURT:

s/ Cheryl R. Zwart
United States Magistrate Judge